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PROMOTING THE MAINTENANCE OF INTERNATIONAL
PEACE AND SECURITY IN SOUTHEAST ASIA

AUGUST 6, 1964.—Ordered to be printed

Mr. FULBRIGHT, from the Committee on Foreign Relations, submitted
the following

R E P O R T

[To accompany S.J. Res. 189]

The Committee on Foreign Relations and the Committee on Armed Services, hereinafter referred to as the "joint committee," having had under consideration Senate Joint Resolution 189 supporting the President's determination to repel any armed attack against U.S. forces in southeast Asia and to prevent further Communist attacks, report the resolution favorably and recommend that it be passed by the Senate.

PURPOSE OF THE RESOLUTION

The basic purpose of this resolution is to make it clear that the Congress approves the actions taken by the President to meet the attack on U.S. forces in southeast Asia by the Communist regime in North Vietnam. Full support by the Congress also is declared for the resolute policy enunciated by the President in order to prevent further aggression, or to retaliate with suitable measures should such aggression take place.

BACKGROUND

It should be stressed that the current conflict in the area of the Gulf of Tonkin occurs against the backdrop of a Communist-directed military and subversive offensive which has been sustained with little real interruption since 1946. In that year France resumed titular control over what was then Indochina from the Japanese wartime occupation, and by year's end was under guerrilla attack by the Communist-trained and supported Vietminh under the leadership of Ho Chi-minh. The latter organization gained much support throughout Indochina by reason of its ability to pose as a nationalist movement dedicated to ousting a colonial regime; few of the Indochinese rural areas were left untouched by Vietminh infiltration. For

almost 8 years the French, at great cost—mitigated by about \$2.5 billion of U.S. aid—fought what has been described as “the longest war of the 20th Century,” until the disaster at Dien Bien Phu in May of 1954 led France to submit armistice proposals to the Geneva Conference convened the previous month to discuss Korea and “peace in Indochina.”

The Geneva armistice agreements, signed on July 21, 1954, theoretically ended the war between French Union forces and the Vietminh in Laos, Cambodia, and Vietnam, which were to become fully independent countries, with the last-named partitioned near the 17th parallel into two states pending reunification through “free elections.” Yet the day after signature President Ho Chi-minh of North Vietnam was calling for a “continuation of the struggle.” As Senator Mansfield noted after his visit to the area in September of that year:

Vietminh sympathizers are to be found throughout that region [South Vietnam] and it is likely that their number is growing. It must also be presumed that Vietminh activists are being left behind as the Vietminh withdraw their regular forces * * *.

Such proved to be the case: there was scarcely any break in the long process of Communist-inspired subversion aimed at encouraging chaotic conditions in South Vietnam. This activity in itself constituted a violation of the intent of the Geneva agreements, although one difficult to detect and virtually impossible to document satisfactorily.

Since that time, the North Vietnamese campaign against the South has increased in scope and tempo. It has added a new dimension to traditional concepts of warfare and aggression—the dimension of subversion and terror on a planned, centrally directed, and coordinated basis. This new kind of aggression is not symbolized by armies marching across frontiers with bands playing and flags waving. But it is no less outrageous international behavior.

Another point should be made here. Of the participants at Geneva, South Vietnam and the United States alone did not sign the agreements (the other participants and signatories were the United Kingdom, the U.S.S.R., France, Communist China, Laos, Cambodia, and North Vietnam). South Vietnam merely declared its intention to seek peace through all means, and

* * * not to use force to resist the procedures for carrying the cease-fire into effect, although it deems them to be inconsistent with the will of the nation * * *.

The United States noted that it would not join in an arrangement which could have the effect of denying self-determination to the Vietnamese people. It nevertheless declared that—

(i) it will refrain from the threat or the use of force to disturb them [the agreements], in accordance with article 2(4) of the Charter of the United Nations dealing with the obligation of members to refrain in their international relations from the threat or use of force; and (ii) it would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security.

At the beginning of 1955 the United States began to fill the vacuum in the area created by the general but somewhat halting withdrawal of France from Vietnam. U.S. assistance was directly provided to South Vietnam, rather than through the French, and a small number of American military advisers took over the training of the Vietnamese Army from France.

At the same time, the Southeast Asia Collective Defense Treaty¹ came into effect—on February 19, 1955. This pact, described as a “comprehensive system of regional security in the Pacific area,” was envisaged by the United States several years before its creation, but was especially sought by President Eisenhower and Secretary of State Dulles in March of 1954. In the words of the latter:

The President and I had hoped that unity could be forged in time to strengthen the negotiating position of the free nations during the Indochina phase of the Geneva Conference. However, this proved impracticable.

The Geneva outcome did, however, confirm the need for unity.

The deliberations which followed in September resulted in two particularly significant actions for the purposes of committee consideration of Senate Joint Resolution 189. First, an “Understanding of the United States of America” was made a part of the treaty to record the fact that this country would only take measures to meet military attack on a treaty member if it were Communist aggression, although it would follow the consultation process in other circumstances. Second, a protocol was added to the treaty to provide that Cambodia, Laos, and “the free territory under the jurisdiction of the State of Vietnam” would be covered by treaty articles III and IV; these read as follows:

ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other

¹ The SEATO members are Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States.

State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

The period from 1955 to 1957 saw the South Vietnamese Government struggling valiantly under President Diem's leadership to create order out of near chaos. A substantial amount of progress was achieved, and it probably was a measure of that success that large-scale Communist guerrilla attacks began to occur at the beginning of 1958, reflecting a steady increase in such armed activity since Diem's visit to the United States in mid-1957 and the promise of continued help against communism. By 1960, North Vietnam was abandoning any subterfuge and was proclaiming itself the "revolutionary base" for the attacks on the South. It was in this context that the United States agreed to the South Vietnamese Government's request for increased assistance. Such aid has continuously expanded since that time, in large measure scaled to keep pace with the heightened North Vietnamese contributions to the guerrilla war. Some decrease or suspension of assistance took place in connection with the developments surrounding the fall of the Diem government in November 1963, but was resumed shortly thereafter. Just as North Vietnam's open involvement in the war has reached new levels, so has the U.S. provision of aid to the government of Maj. Gen. Nguyen Khanh formed last February. This aid has always been entirely defensive in character and the United States has taken no action outside the territory of South Vietnam.

CURRENT DEVELOPMENTS

It is against this background that the unprovoked attacks by North Vietnam on U.S. forces in international waters must be assessed. The joint committee believes that the best means of describing these events is by quoting from the presentation of Ambassador Adlai E. Stevenson to the U.N. Security Council, convened at our request on August 5:

At 8:08 a.m. Greenwich meridian time, August 2, 1964, the U.S. destroyer *Maddox* was on routine patrol in international waters in the Gulf of Tonkin, proceeding in a southeasterly direction away from the coast about 30 miles at sea from the mainland of North Vietnam.

WARNING SHOTS FIRED

The *Maddox* was approached by three high-speed North Vietnamese torpedo boats in attack formation. When it was evident that these torpedo boats intended to take offen-

sive action, the *Maddox*, in accordance with naval practice, fired three warning shots across the bows of the approaching vessels.

At approximately the same time, the aircraft carrier *Ticonderoga*, which was also in international waters and had been alerted to the impending attack, sent out four aircraft to provide cover for the *Maddox*, the pilots being under orders not to fire unless they or the *Maddox* was fired upon first.

Two of the attacking craft fired torpedoes which the *Maddox* evaded by changing course. All three attacking vessels directed machinegun fire at the *Maddox*. One of the attacking vessels approached for close attack and was struck by fire from the *Maddox*. After the attack was broken off, the *Maddox* continued on a southerly course in international waters.

Now, Mr. President, clearly this was a deliberate armed attack against a naval unit of the U.S. Government on patrol in the high seas—almost 30 miles off the mainland.

HASTY RESPONSE AVOIDED

Nevertheless, my Government did its utmost to minimize the explosive potential of this flagrant attack in the hopes that this might be an isolated or uncalculated action. There was local defensive fire. The United States was not drawn into hasty response.

On August 3, the United States took steps to convey to the Hanoi regime a note calling attention to this aggression, stating that U.S. ships would continue to operate freely on the high seas in accordance with the rights guaranteed by international law, and warning the authorities in Hanoi of the "grave consequences which would inevitably result from any further unprovoked offensive military action against U.S. forces."

This notification was in accordance with the provisions of the Geneva accords.

Our hope that this was an isolated incident did not last long. At 2:35 p.m. Greenwich time, August 4, when it was nighttime in the Gulf of Tonkin, the destroyers *Maddox* and *C. Turner Joy* were again subjected to an armed attack by an undetermined number of motor torpedo boats of the North Vietnamese Navy.

This time the American vessels were 65 miles from the shore, twice as far out on the high seas as on the occasion of the previous attack. This time, numerous torpedoes were fired. The attack lasted for over 2 hours.

NO "SHADOW OF DOUBT"

There no longer could be any shadow of doubt that this was planned deliberate military aggression against vessels lawfully present in international waters. One could only conclude that this was the work of authorities dedicated to the use of force to achieve their objectives regardless of the consequences.

My Government therefore determined to take positive but limited relevant measures to secure its naval units against further aggression. Last night aerial strikes were thus carried out against boats and their support facilities.

This action was limited in scale, its only targets being the weapons and the facilities against which we had been forced to defend ourselves.

Now, Mr. President, gentlemen, it is our fervent hope that the point has now been made that acts of armed aggression are not to be tolerated in the Gulf of Tonkin any more than they are to be tolerated anywhere else.

THE PRESIDENT'S MESSAGE

On August 4 and 5 the President consulted with congressional leaders, both before and after the limited military retaliation directed against North Vietnam. On August 5, 1964, he sent the following message to Congress:

To the Congress of the United States:

Last night I announced to the American people that the North Vietnamese regime had conducted further deliberate attacks against U.S. naval vessels operating in international waters, and that I had therefore directed air action against gunboats and supporting facilities used in these hostile operations. This air action has now been carried out with substantial damage to the boats and facilities. Two U.S. aircraft were lost in the action.

After consultation with the leaders of both parties in the Congress, I further announced a decision to ask the Congress for a resolution expressing the unity and determination of the United States in supporting freedom and in protecting peace in southeast Asia.

These latest actions of the North Vietnamese regime have given a new and grave turn to the already serious situation in southeast Asia. Our commitments in that area are well known to the Congress. They were first made in 1954 by President Eisenhower. They were further defined in the Southeast Asia Collective Defense Treaty approved by the Senate in February 1955.

This treaty with its accompanying protocol obligates the United States and other members to act in accordance with their constitutional processes to meet Communist aggression against any of the parties or protocol states.

Our policy in southeast Asia has been consistent and unchanged since 1954. I summarized it on June 2 in four simple propositions:

1. America keeps her word. Here as elsewhere, we must and shall honor our commitments.
2. The issue is the future of southeast Asia as a whole. A threat to any nation in that region is a threat to all, and a threat to us.
3. Our purpose is peace. We have no military, political, or territorial ambitions in the area.

4. This is not just a jungle war, but a struggle for freedom on every front of human activity. Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence.

The threat to the free nations of southeast Asia has long been clear. The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory. In Laos, the North Vietnamese regime has maintained military forces, used Laotian territory for infiltration into South Vietnam, and most recently carried out combat operations—all in direct violation of the Geneva agreements of 1962.

In recent months, the actions of the North Vietnamese regime have become steadily more threatening. In May, following new acts of Communist aggression in Laos, the United States undertook reconnaissance flights over Laotian territory, at the request of the Government of Laos. These flights had the essential mission of determining the situation in territory where Communist forces were preventing inspection by the International Control Commission. When the Communists attacked these aircraft, I responded by furnishing escort fighters with instructions to fire when fired upon. Thus, these latest North Vietnamese attacks on our naval vessels are not the first direct attack on Armed Forces of the United States.

As President of the United States I have concluded that I should now ask the Congress, on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

As I have repeatedly made clear, the United States intends no rashness, and seeks no wider war. We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area. We seek the full and effective restoration of the international agreements signed in Geneva in 1954, with respect to South Vietnam, and again at Geneva in 1962, with respect to Laos.

I recommend a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty. At the same time, I assure the Congress that we shall continue readily to explore any avenues of political solution that will effectively guarantee the removal of Communist subversion and the preservation of the independence of the nations of the area.

The resolution could well be based upon similar resolutions enacted by the Congress in the past—to meet the threat to Formosa in 1955, to meet the threat to the Middle East in

1957, and to meet the threat in Cuba in 1962. It could state in the simplest terms the resolve and support of the Congress for action to deal appropriately with attacks against our Armed Forces and to defend freedom and preserve peace in southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty. I urge the Congress to enact such a resolution promptly and thus to give convincing evidence to the aggressive Communist nations, and to the world as a whole, that our policy in southeast Asia will be carried forward—and that the peace and security of the area will be preserved.

The events of this week would in any event have made the passage of a congressional resolution essential. But there is an additional reason for doing so at a time when we are entering on 3 months of political campaigning. Hostile nations must understand that in such a period the United States will continue to protect its national interests, and that in these matters there is no division among us.

LYNDON B. JOHNSON.

The White House, August 5, 1964.

COMMITTEE ACTION

The President's message and Senate Joint Resolution 189, introduced by Senator Fulbright (for himself and Senator Hickenlooper, Senator Russell, and Senator Saltonstall) to give effect to the Presidential recommendations, by unanimous consent were referred jointly to the Committee on Foreign Relations and the Committee on Armed Services. During the morning of August 6 the joint committee, with Senator Fulbright presiding in executive session, heard Secretary of State Dean Rusk, Secretary of Defense Robert McNamara, and Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff.

After receiving the testimony the joint committee voted 31 to 1 to report the resolution favorably without amendment.

SCOPE OF THE RESOLUTION

Senate Joint Resolution 189 is patterned quite closely upon precedents afforded by similar resolutions: the Formosa resolution of 1955, the Middle East resolution of 1957, and the Cuba resolution of 1962.

The phrasing in section 2, "in accordance with its obligations under the Southeast Asia Collective Defense Treaty," comprehends the understanding in that treaty that the U.S. response in the context of article IV(1) is confined to Communist aggression. It should also be pointed out that U.S. assistance, as comprehended by section 2, will be furnished only on request and only to a signatory or a state covered by the protocol to the SEATO Treaty. The protocol states are Laos, Cambodia, and South Vietnam.

The language in section 3, which governs the termination of the resolution, combines the relevant provisions of the Formosa and Middle East resolutions.

JOINT COMMITTEE RECOMMENDATION

With only one dissenting vote, the joint committee endorsed the resolution and recommended its adoption by the Senate. Members of the committee expressed approval of the handling of the crisis in southeast Asia by the President and the Secretaries of State and Defense, by the Joint Chiefs of Staff, and by U.S. naval forces in the area of Vietnam.

On the basis of testimony submitted by the Secretaries of State and Defense and the Chairman of the Joint Chiefs of Staff, the committee was satisfied that the decision of the President to retaliate against the North Vietnamese gunboat attacks was both soundly conceived and skillfully executed. In the circumstances, the United States could not have done less and should not have done more.

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